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# **FREDERICK COUNTY PLANNING COMMISSION**

## **August 14, 2019**

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**TITLE:** Jackson Chapel United Methodist Church

**FILE NUMBER:** SP85-07, AP 19465, APFO AP 19466, FRO AP 19467

**REQUEST:** **Site Development Plan Approval**  
The Applicant is requesting Site Plan approval to construct an 11,495 sq. ft. addition to an existing church on a 6.00 acre Site.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 5609 Ballenger Creek Pike, across from Hannover Drive

**TAX MAP/PARCEL:** Tax Map 77, Parcel 266

**ZONE:** R5 - Middle Density Residential

**COMP. PLAN:** Medium Density Residential

**REGION:** Frederick

**WATER/SEWER:** W-1/S-1

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Jackson Chapel – Pastor Rex Bowens

**OWNER:** Jackson Chapel United Methodist Church, Inc.

**ENGINEER:** Terra Solutions Engineering, LLC.

**ARCHITECT:** Not Listed

**ATTORNEY:** Not Listed

**STAFF:** Ashley M. Moore, Principal Planner

**RECOMMENDATION:** **Conditional Approval**

**Enclosures:**  
Exhibit #1 - Site Plan Renderings  
Exhibit #2 - APFO LOU

# STAFF REPORT

## ISSUE

### Development Request

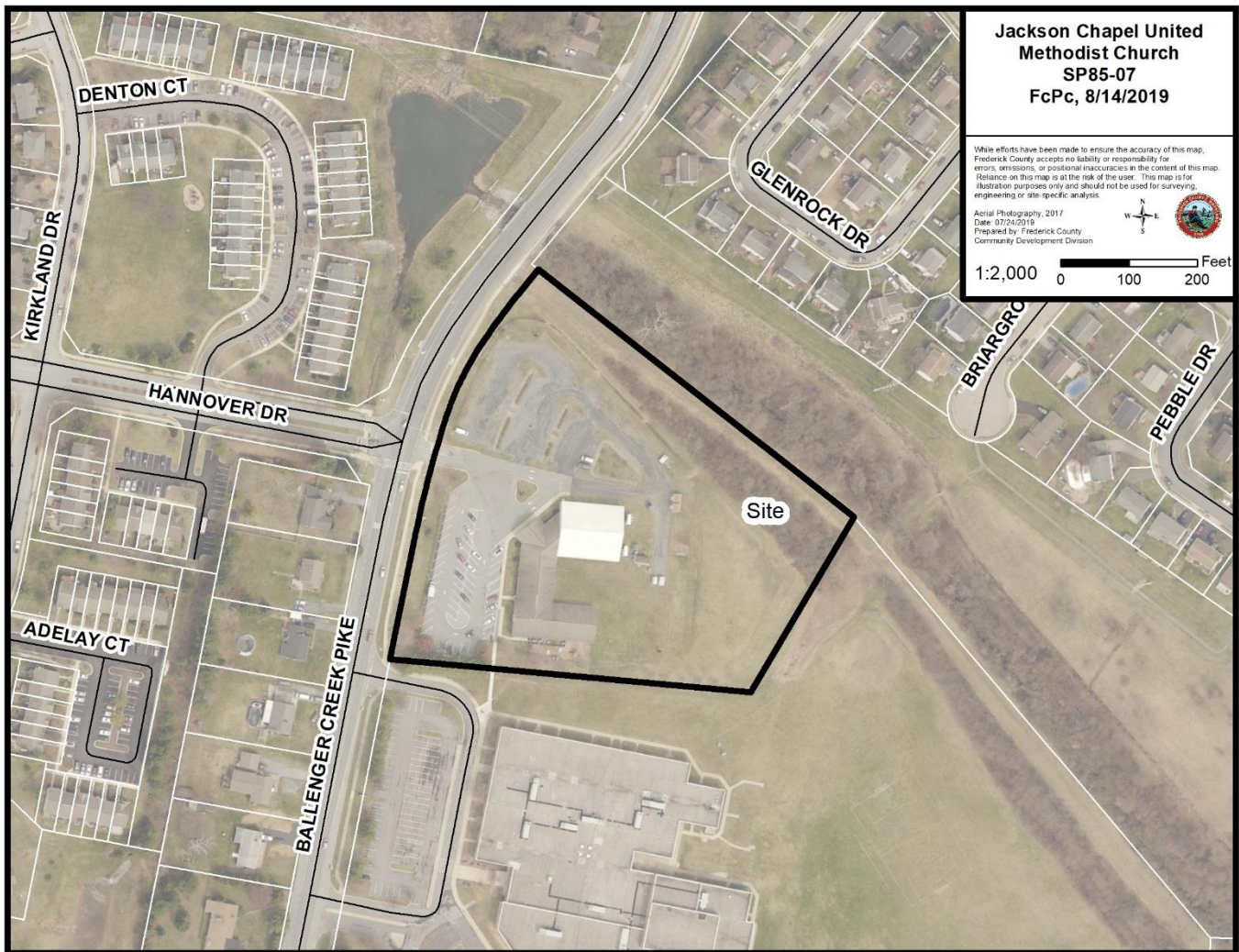
The Applicant is requesting Site Plan approval to construct an 11,495 sq. ft. addition to an existing church on a 6.00 acre Site. The proposed use is being reviewed as a ***“Place of Worship”*** principal use under the heading of **Institutional** per § 1-19-5.310 of the Zoning Ordinance. The activities planned for the addition include classrooms, warming kitchen, bathrooms, a gymnasium, and a fellowship hall. The proposed use is a principal permitted use subject to site development plan approval.

## BACKGROUND

### Development History

A site plan for the church was originally granted approval by the Planning Commission in 1985, which approval subsequently expired. A new plan was approved in 1988, pursuant to which a temporary building was located on the Site to hold services. In 1993, the church was planned to be constructed in four phases. The first phase of the sanctuary was approved in 1993. The second phase was an expansion to both the sanctuary and parking lot, which was approved in 2006. The current structure is 18,700 sq. ft. and was formerly known as Christ United Methodist Church. It currently exists as Jackson Chapel United Methodist Church (JCUMC), see Graphic #1 below.

Graphic #1: Aerial



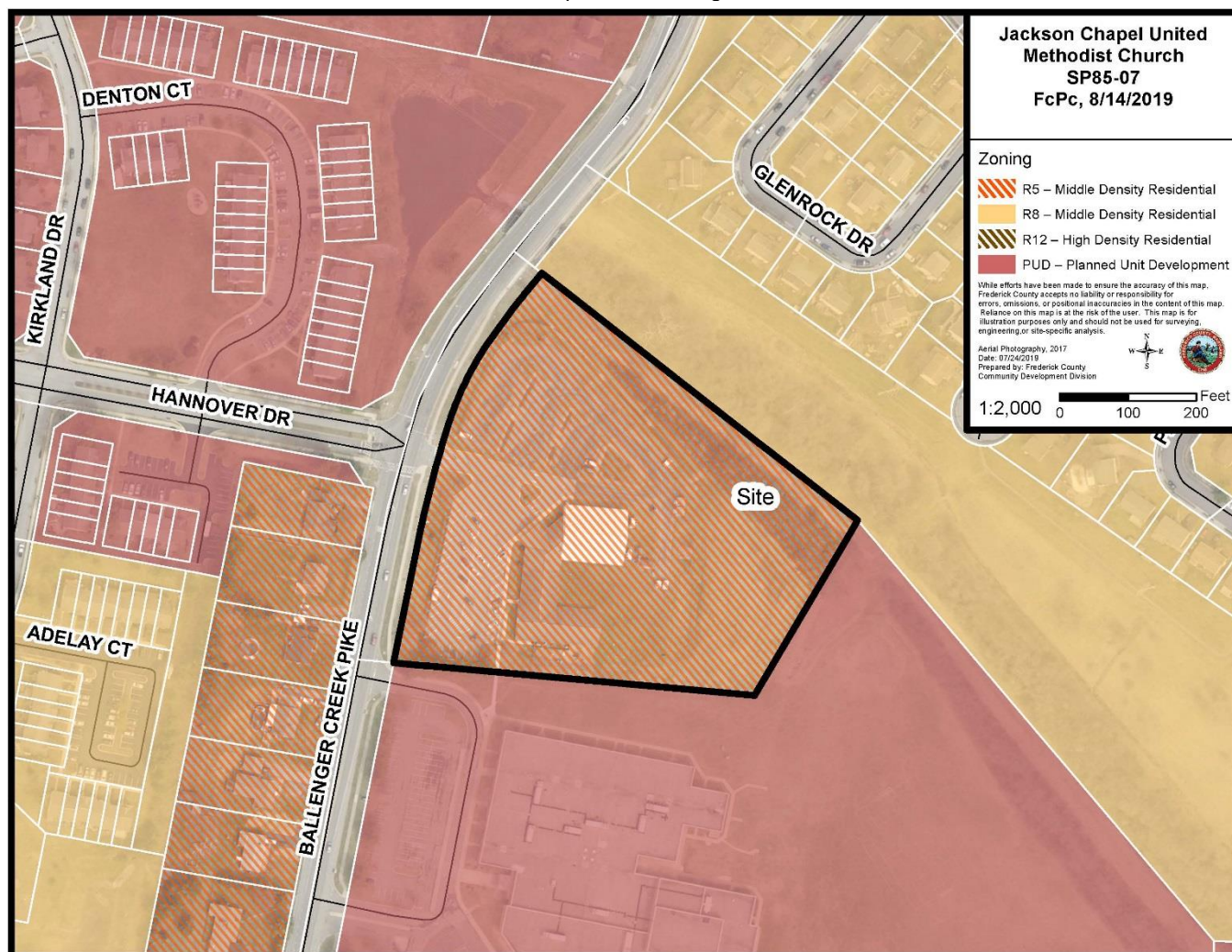


The intent of the current application is to obtain approval to construct the third and fourth phases of the church which include: a 6,515 sq. ft. multi-purpose gymnasium, a 1,115 sq. ft. warming kitchen and bathrooms, and a 3,865 sq. ft. fellowship hall. The existing first and second phases will continue to be used for child education classrooms/ 45-student daycare, administration, and a 490 seat sanctuary.

### Existing Site Characteristics

The Site is zoned R5 - Middle Density Residential with a County Comprehensive Plan land use designation of Medium Density Residential. The surrounding land uses include Ballenger Creek Middle School to the east and south of the Site, which is zoned PUD – Planned Unit Development; the property north of the Site is vacant and zoned R8 - Middle Density Residential; across the street from the Site is the Ballenger Creek residential development, which is zoned both PUD – Planned Unit Development and R5 – Middle Density Residential, see Graphic #2 below.

Graphic #2: Zoning



# **ANALYSIS**

## **Detailed Analysis of Findings and Conclusions**

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

**Site Development §1-19-3.300.4 (A):** *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

## **Findings/Conclusions**

### **1. Dimensional Requirements/Bulk Standards §1-19-6.100:**

The setback requirements for Institutional Uses within the R5 zoning district are as follows: Front Yard – 40 ft., Side Yard – 50 ft., Rear Yard – 50 ft. The minimum lot size is 8,000 sq. ft. and the minimum lot width is 200 ft. The maximum height requirement is 30 ft. where the proposed addition will be 25 ft. The proposed development meets all dimensional lot and building height requirements.

### **2. Signage §1-19-6.320:** The existing sign is to remain temporarily but will be replaced and relocated. The proposed sign shall meet the requirements of the signage ordinance. One sign is permitted per street frontage, the maximum area for a church is 32 sq. ft., the maximum height is 12 ft., and the front yard setback is 20 ft. (1/2 the front yard requirement).

### **3. Landscaping §1-19-6.400:**

- **Street Trees §1-19-6.400(A):** The code requires one street tree per 35 linear feet of road frontage, therefore requiring 18 street trees ( $621.05 / 35 = 17.74$ ). The first and second phases of the plan predate the 2009 Street Tree regulations. The Site currently has six street trees and the Applicant is proposing an additional 12 trees to meet the 18 street trees requirement along Ballenger Creek Pike.
- **Land Use Buffering and Screening §1-19-6.400(B):** There is an existing wooded area to the north of the property. There are also trees at the south western border of the Site. The property is adjacent to an existing middle school and staff would recommend that no additional land use buffering would be required.
- **Parking Area Buffering and Screening §1-19-6.400(C):** The parking areas facing Ballenger Creek Pike are screened by existing shrubs. Therefore, additional parking area buffering and screening is not required.
- **Parking Area Landscaping §1-19-6.400(D):** The Applicant is required to provide 20% canopy over the parking area, or 20 parking area trees. The Site currently has 12 existing parking area trees and the Applicant is proposing an additional 8 parking area trees. Therefore, the proposed site plan complies with the requirements of the zoning ordinance.
- **Landscaping, Screening, or Buffering §1-19-6.400(E):** All landscape material must be maintained in a living condition. The proposed Landscape Plan emphasizes native species and no invasive/exotic species are specified.

### **4. Lighting §1-19-6.500:** There are no additional light poles or building mounted fixtures proposed for this site plan approval. The Applicant is proposing security lighting which is exempt from the

requirements of this section of the zoning ordinance.

**Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

### **Findings/Conclusions**

1. **Access/Circulation:** The Applicant will utilize the existing entrance with an approximately 30 ft. driveway width. Circulation in the southern portion of the Site is one-way traffic and circulation in the northern portion of the Site is two-way traffic. There are no alterations to site access proposed as part of this site plan approval.
2. **Connectivity §1-19-6.220(F):** Due to the proposed road work along Ballenger Creek Pike, the sidewalk along the western portion of the Site will be adjusted. The relocated sidewalk will continue to connect to the adjacent sidewalk network.
3. **Public Transit:** This Site does not fall along a transit line. However, the Farmbrook Drive at Glenbrook Drive stop serving #10 Route (Mall to Mall Connector) is within a one-quarter mile of the church's driveway.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**  
In accordance with §1-19-6.220.A.4, one space is required for every five seats in the sanctuary, therefore 405 seats requires 98 parking spaces. The previous site development plans for phases one and two approved 138 parking spaces (44 paved and 94 gravel which includes six (6) H.C. spaces) for the existing 18,700 sq. ft. building. No additional spaces are required for the third and fourth phased additions.
5. **Bicycle Parking §1-19-6.220 (H):** The Zoning Ordinance requires one bicycle rack for every 20,000 sf of Gross Floor Area (GFA). Based on the total 30,195 sq. ft. GFA (18,700 sf existing + 11,495 sq. ft. proposed), two bicycle racks are required. The Applicant is proposing two bicycle racks. The bicycle parking shall comply with the Frederick County Bicycle Parking Design Guidelines.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Site has an existing pedestrian sidewalk and proposes additional sidewalks to provide a safe pedestrian route to the sanctuary and additions from the parking lot.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

### **Findings/Conclusions**

**Private Well and Septic:** The Site is served by existing water and sewer. The Health Department has approved this site plan.

**Jackson Chapel United Methodist Church**

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**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

### **Findings/Conclusions**

1. **Topography:** The Site is relatively flat.
2. **Vegetation:** There are portions of natural trees and brush located at the north and going toward the eastern part of the Site.
3. **Sensitive Resources:** There are no sensitive slopes or habitats of threatened or endangered species on this Site.
4. **Natural Hazards:** There is a 100-Yr. Floodplain and a FEMA Floodplain located on site. There is also a Maryland DNR wetland located on the Site.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

### **Findings/Conclusions**

1. **Proposed Common Area:** The Site is an institutional use, therefore there is no required common area associated with this development.
2. **Ownership:** The Site is a privately owned institutional use.

### **Other Applicable Regulations**

**Stormwater Management – Chapter 1-15.2:** The previous Stormwater Management Plan was approved for the complete build out of all four phases. There are no alterations proposed to that Plan as part of this application.

### **APFO – Chapter 1-20:**

**Schools:** Schools are not impacted because the development is a non-residential use.

**Water and Sewer:** The Property is currently classified as *W-1 and S-1* in the County's *Master Water and Sewer Plan*.

**Roads:** This project generates 45 weekday pm peak trips and fewer am peak trips, and is therefore exempt from APFO Roads testing per 1-20-30, which sets the testing threshold at 51 or more trips. In accordance with Section 1-20-12(H) of the County Code, the Applicant is required to pay its proportionate contribution toward existing road escrow accounts in the project area in the amount of \$15,266 as noted in the Letter of Understanding in Exhibit #3.

**Period of Validity:** The APFO approval is valid for three years from the date of the Commission approval of the current site plan; therefore, the approval would expire on August 14, 2022.

**Forest Resource – Chapter 1-21:** All FRO requirements for this property were met with the 2005 site plan approval. An existing FRO easement is located on the property.

## Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Public Works Department</b>	Conditionally Approved
<b>Development Review Planning:</b>	Conditionally Approved
<b>Div. of Utilities and Solid Waste Mgmt. (DUSWM):</b>	Conditionally Approved
<b>Health Department</b>	Approved
<b>Office of Life Safety</b>	Approved
<b>Development Review Transportation</b>	Approved
<b>Forest Conservation (FRO)</b>	Approved
<b>Adequate Public Facilities (APFO)</b>	Conditionally Approved
<b>Street Name Review</b>	Approved

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Jackson Chapel United Methodist Church Site Plan. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval (August 14, 2022).

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

### **Staff-proposed conditions of approval:**

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** Site Plan SP-85-07, AP 19465 (APFO 19466), including APFO approval, **with conditions** as listed in the staff report for the proposed site plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



# Exhibit #1 - Site Plan Renderings



Jackson Chapel United Methodist Church

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## FREDERICK COUNTY GOVERNMENT

DIVISION OF COMMUNITY DEVELOPMENT  
Department of Development Review and Planning

Jan H. Gardner  
County Executive

Steve Horn, Division Director  
Mike Wilkins, Director

### ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

#### **Jackson Chapel UMC**

*Site Development Plan #SP85-07; AP #19466*

**In General:** The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Jackson Chapel United Methodist Church, Inc. ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved Jackson Chapel Site Development Plan (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 6.0 +/- acre parcel of land, which is zoned R-5, and located on the west side of Ballenger Creek Pike, opposite Hannover Road. This APFO approval will be effective for development of a place of worship expansion and day care which is shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on August 14, 2019.

**Schools:** The Project is non-residential and not subject to schools testing

**Water and Sewer:** The Property has water and sewer classification of W-1 and S-1. While the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

**Road Improvements:** This project generates 45 weekday pm peak trips and fewer am peak trips, and is therefore exempt from APFO Roads testing per 1-20-30, which sets a threshold at 51 or more trips. In accordance with Section 1-20-12(H) of the County Code, the Developer is required to pay its proportionate contribution toward the following existing road escrow accounts in the project area:



1. Escrow Account No. 3345 for a northbound right turn lane at the intersection of Crestwood Blvd/Ballenger Creek Pike - The estimated cost of the improvement is \$165,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.77%. Therefore the Developer hereby agrees to pay \$1,271 to the escrow account for this Road Improvement.
2. Escrow Account No. 3347 for an additional westbound right turn lane at the intersection of Crestwood Blvd/ Ballenger Creek Pike - The estimated cost of the improvement is \$237,580. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.77%. Therefore the Developer hereby agrees to pay \$1,829 to the escrow account for this Road Improvement.
3. Escrow Account No. 3763 for an additional southbound left turn lane at the intersection of Crestwood Blvd/ Ballenger Creek Pike - The estimated cost of the improvement is \$255,365. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.77%. Therefore the Developer hereby agrees to pay \$1,966 to the escrow account for this Road Improvement.
4. Escrow Account No. 4054 for widening Ballenger Creek Pike from north of Ballenger Creek to Crestwood Blvd. - The estimated cost of the improvement is \$6,000,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.17%. Therefore the Developer hereby agrees to pay \$10,200 to the escrow account for this Road

**A total of \$15,266 for the escrow payments described above must be paid to the County by the Developer, its successors or assigns, prior to the issuance of any building permit for the Project.** Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on August 14, 2022.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**[Signatures Next Page]**

**DEVELOPER: Jackson Chapel United Methodist Church, Inc.**

By:     Rex Bowens    

Pastor Rex Bowens

Date:     9 July 2019    

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Robert White, Chair or Sharon Suarez, Secretary

**ATTEST:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Gary Hessong, Deputy Director

*Planner's Initials / Date* \_\_\_\_\_  
*(Approved for technical content)*

*County Attorney's Office Initials / Date* \_\_\_\_\_  
*(Approved as to legal form)*